

## Agricultural Marketing Service, USDA

## § 1218.47

members shall serve without compensation but shall be reimbursed for reasonable travel expenses, as approved by the USACBC.

(f) In lieu of voting at a properly convened meeting and, when in the opinion of the chairperson of the USACBC such action is considered necessary, the USACBC may take action if supported by one vote more than 50 percent of the members by mail, telephone, electronic mail, facsimile, or any other means of communication, and all telephone votes shall be confirmed promptly in writing. In that event, all members must be notified and provided the opportunity to vote. Any action so taken shall have the same force and effect as though such action had been taken at a properly convened meeting of the USACBC. All votes shall be recorded in USACBC minutes.

(g) There shall be no voting by proxy.

(h) The chairperson shall be a voting member.

(i) The organization of the USACBC and the procedures for the conducting of meetings of the USACBC shall be in accordance with its bylaws, which shall be established by the USACBC and approved by the Secretary.

[65 FR 43963, July 17, 2000, as amended at 66 FR 37119, July 17, 2001]

### § 1218.46 Compensation and reimbursement.

The members of the USACBC, and alternates when acting as members, shall serve without compensation but shall be reimbursed for reasonable travel expenses, as approved by the USACBC, incurred by them in the performance of their duties as USACBC members.

[65 FR 43963, July 17, 2000, as amended at 66 FR 37119, July 17, 2001]

### § 1218.47 Powers and duties.

The USACBC shall have the following powers and duties:

(a) To administer the Order in accordance with its terms and conditions and to collect assessments;

(b) To develop and recommend to the Secretary for approval such bylaws as may be necessary for the functioning of the USACBC, and such rules as may be necessary to administer the Order, in-

cluding activities authorized to be carried out under the Order;

(c) To meet, organize, and select from among the members of the USACBC a chairperson, other officers, committees, and subcommittees, as the USACBC determines to be appropriate;

(d) To employ persons, other than the members, as the USACBC considers necessary to assist the USACBC in carrying out its duties and to determine the compensation and specify the duties of such persons;

(e) To develop programs and projects, and enter into contracts or agreements, which must be approved by the Secretary before becoming effective, for the development and carrying out of programs or projects of research, information, or promotion, and the payment of costs thereof with funds collected pursuant to this subpart. Each contract or agreement shall provide that any person who enters into a contract or agreement with the USACBC shall develop and submit to the USACBC a proposed activity; keep accurate records of all of its transactions relating to the contract or agreement; account for funds received and expended in connection with the contract or agreement; make periodic reports to the USACBC of activities conducted under the contract or agreement; and make such other reports available as the USACBC or the Secretary considers relevant. Any contract or agreement shall provide that:

(1) The contractor or agreeing party shall develop and submit to the USACBC a program, plan, or project together with a budget or budgets that shall show the estimated cost to be incurred for such program, plan, or project;

(2) The contractor or agreeing party shall keep accurate records of all its transactions and make periodic reports to the USACBC of activities conducted, submit accounting for funds received and expended, and make such other reports as the Secretary or the USACBC may require;

(3) The Secretary may audit the records of the contracting or agreeing party periodically; and

(4) Any subcontractor who enters into a contract with a USACBC contractor and who receives or otherwise